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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,793	01/02/2001	Yoshiaki Ichikawa	N00234US	7484
30743	7590	09/16/2005	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			PEREZ, JULIO R	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 09/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/750,793	ICHIKAWA, YOSHIAKI
	Examiner	Art Unit
	Julio R. Perez	2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 November 2004.  
 2a) This action is FINAL.                                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 3-6 is/are allowed.  
 6) Claim(s) 1-2, 7-8 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Allowable Subject Matter***

1. The indicated allowability of claims 1-2,7-8 is withdrawn in view of the newly discovered reference(s) to Fox (5717889). Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 2, 7, 8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Peddicord et al. (hereinafter Peddicord) (US. Pat. No. 6402691) in view of Fox (US Pat. No. 5742238).

Regarding claims 1,2, 7, 8, Peddicord discloses a fault monitoring method, a storage medium, and a monitoring program, comprising the steps providing a plurality of portable radio communication terminals in a commodity management system, each of which manages commodities by communicating with an inventory controller via a radio communication base station (col. 2, lines 35-47, the monitoring units communicate with a data collection station through an intermediate wireless network unit); automatically executing a test of a radio communication section in arbitrary portable radio communication terminals when a number of retrying times of radio communication between said arbitrary portable radio communication terminals and said radio

communication base station exceeds a predetermined number of times (col. 9, lines 36-54, the determination of unsuccessful transmissions after the pager sent the data packet; hence, the control unit retries the transmission at least twice before it proceeds to the conventional modem process, in which the control unit times out after retrying for twenty times, displaying a failure thereafter); and displaying a fault of said radio communication section on a display section of said arbitrary portable radio communication terminals when said fault occurs (col. 9, lines 36-54, the failure messages are displayed on the monitor display).

Peddicore, however, fails to specifically disclose wherein a call time interval of retrying said radio communication between said arbitrary portable radio communication terminals and said radio communication base station is set longer than an average communication time of said radio-communication between each of said portable radio communication terminals and said radio communication base station in said commodity management system.

Fox discloses a system wherein allowed for messages from the portable communication units to the base station is capped at .125 and the call time interval of retrying is set at 2 seconds, which is therefore essential longer than the average communication time (col. 12, lines 37-46).

Therefore, at the time of invention, it would have been obvious to a person of ordinary skill in the art to modify Peddicore with the teachings of Fox for the purpose of setting the significant time delay in the system so as to give sufficient time for a response or acknowledgement. The delay would provide an enhancement to the system

as the delay would verify the reception of a message in order to resend a message in the case that a response to the message is not received.

***Allowable Subject Matter***

Claims 3-6 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julio R. Perez whose telephone number is (571) 272-7846. The examiner can normally be reached on 7:00 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272- 4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER

AM  
JP  
6/29/05

  
DIRECTOR 2600